

IN THE
Court of Appeal of the State of California

IN AND FOR THE
Fifth Appellate District

COURTROOM PROCEEDINGS

The court met in its courtroom at 10:00 A.M. Present: Honorable Herbert I. Levy, Acting Presiding Justice; Honorable Stephen J. Kane, Associate Justice; and Charlene Ynson, Clerk/Administrator, by Lisa J. Prosser, Senior Deputy Clerk.

F054218 Madera Irrigation District et al. v. Madera County Board of Supervisors et al.; Larry L. Freels et al.

Parties stipulate that (1) Ardaiz, P.J., the absent assigned justice, participate in the determination of this appeal, and (2) Ardaiz, P.J. to listen to the tape recording of oral proceedings upon his return.

Cause called and argued by Timothy Jones, Esq., counsel for appellant Larry L. Freels et al. and by Richard Pearl, Esq., counsel for respondent Madera Irrigation District. et al..

Submission deferred until Friday, March 29, 2009 for Ardaiz, P.J. to listen to the tape recording of oral argument.

Court recessed until Friday, March 13, 2009 at 1:30 P.M.

The court reconvened in its courtroom at 1:30 P.M. Present: Honorable Herbert I. Levy, Acting Presiding Justice; Honorable Gene M. Gomes, Associate Justice; and Charlene Ynson, Clerk/Administrator, by Lisa J. Prosser, Senior Deputy Clerk.

F053655 People v. Gutierrez et al.

Parties stipulate that (1) Ardaiz, P.J., the absent assigned justice, participate in the determination of this appeal, and (2) Ardaiz, P.J. to listen to the tape recording of oral proceedings upon his return.

Cause called and argued by Stephen M. Lathrop, Esq., counsel for appellant Edward Gutierrez and by Larenda Delaini, Deputy Attorney General, counsel for respondent. Athena Shudde, Esq., counsel for appellant Charlotte A. Gutierrez waived oral argument.

Cause submitted.

Court recessed until Monday, March 16, 2009 at 10:00 A.M.

IN THE

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F054283 In re Rafael C., a Minor

Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.

F054283 In re Rafael C., a Minor

The case is remanded to the juvenile court with directions that it strike count two. In all other respects, the judgment is affirmed.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F056193 People v. Gonzales

The above-entitled case is submitted for decision.

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F056193 People v. Gonzales

The appeal in the above-entitled action is dismissed.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F050427 People v. Fouse

The judgment is affirmed with modifications. Ardaiz, P.J.

We concur: Vartabedian, J.; Dawson, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F052296 People v. Morrison et al.

The judgments of conviction are affirmed as to all defendants. As to Morrison, the firearm use enhancement (ss 12022.53, subd. (b)) is reversed as to count 1; the "in concert" finding is stricken as to count 30; and sentence is ordered stayed (ss 654) on counts 14 and 35. As to Martinez, the "in concert" finding is stricken as to count 30; and sentence is ordered stayed (ss 654) on counts 14 and 35. As to Silva, the firearm use enhancements (ss 12022.53, subd. (b)) are reversed as to counts 2 and 3; the "in concert" finding is stricken as to count 30; and sentence is ordered stayed (ss 654) on counts 14 and 35. Sentence as to all three defendants is vacated and the matters are remanded for resentencing in accordance with this opinion. Ardaiz, P.J.

We concur: Vartabedian, J.; Dawson, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F055372 People v. Burboa

The judgment of conviction is affirmed. The case is remanded to the trial court with directions (1) to award actual-time presentence credits; (2) to prepare a corrected abstract of judgment showing the custody credits awarded and to accurately reflect the indeterminate as well as determinate terms; and (3) to send the corrected abstract of judgment to the appropriate authorities. Wiseman, J.

We concur: Vartabedian, Acting P.J.; Hill, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

IN THE

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Fifth Appellate District

F054367 People v. Young

Oral argument having been waived in the above-entitled case in accordance with the provisions of a notice mailed to counsel, the calendar date heretofore set is vacated and the case is submitted for decision.

F055659 People v Kinder

Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.

F055659 People v. Kinder

The judgment is affirmed.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F056836 Kern Co. Human Services v. V.G.

No brief or request for extension of time has been filed within the time provided, IT IS HEREBY ORDERED that the appeal in the above-entitled action is dismissed.

F053972 People v. Ball

The above-entitled case is submitted for decision.